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SUITE 1700
CLEVELAND OH 44114

MAILED

APR 20 2010

OFFICE OF PETITIONS

In re Patent No. 7,579,802 : DECISION ON REQUEST
Boisvert et al. : FOR
Issue Date: August 25, 2009 : RECONSIDERATION OF
Application No. 10/765,487 : PATENT TERM ADJUSTMENT
Filed: January 27, 2004 : and
Atty Docket No. : NOTICE OF INTENT TO ISSUE
14-733C2D1 : CERTIFICATE OF CORRECTION

This is a decision on the petition filed on September 23, 2009, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred thirty-six (936) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred thirty-five (935) days is **GRANTED to the extent indicated herein.**

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on January 28, 2007, and ends on June 4, 2008, the day before the RCE was filed, and is 494 (not 495) days. See 35 U.S.C. 154(b)(1)(B)(i). As such, the patent term adjustment is 935, not 936 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred thirty-five (935) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,579,802 B2

DATED : August 25, 2009

DRAFT

INVENTOR(S) : Boisvert et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 550 days.

Delete the phrase "by 550 days" and insert – by 935 days--